

1 TONY WEST  
Assistant Attorney General  
2 JOSEPH P. RUSSONIELLO  
United States Attorney  
3 JOHN TYLER  
Assistant Branch Director  
4 KIMBERLY L. HERB  
Illinois Bar No. 6296725  
5 Trial Attorney  
Civil Division, Federal Programs Branch  
6 U.S. Department of Justice  
P.O. Box 883  
7 Washington, D.C. 20044  
Telephone: (202) 305-8356  
8 Facsimile: (202) 616-8470

9 Attorneys for DEFENDANTS

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 ELECTRONIC FRONTIER FOUNDATION,

15 Plaintiff,

16 v.

17 DEPARTMENT OF DEFENSE, *et al.*,

18 Defendants.  
19  
20

Case No. CV 09-5640 SI

**STIPULATION REGARDING  
DOCUMENT PRODUCTION  
SCHEDULE AND PARTIAL  
DISMISSAL**

21 1. The parties note that the following Defendants and subcomponents have responded  
22 to Plaintiff's Freedom of Information Act ("FOIA") request in the above-captioned case as  
23 follows:<sup>1</sup>

24 Department of Justice, Executive Office for United States Attorneys  
25

26 <sup>1</sup>The Central Intelligence Agency, Department of Homeland Security, Office of the  
27 Director of National Intelligence, Federal Bureau of Investigation, and Department of Defense  
28 produced pursuant to an agreement between the parties.

1	Sent Final Response	November 27, 2009
2	Department of Justice, Bureau of Alcohol, Tobacco, Firearms and	
3	Explosives Sent No Records Response	November 27, 2009
4	Department of the Treasury Sent Final Production of Responsive	
5	Documents	January 11, 2010
6	Department of Justice, Drug Enforcement Administration Sent No	
7	Records Response	February 1, 2010
8	Department of Justice, Criminal Division Sent Interim Production	
9	of Responsive Documents	March 3, 2010
10	Department of Justice, Criminal Division Sent Final Response	March 10, 2010
11	Department of Defense Sent Interim Production of Responsive	
12	Documents	May 3, 2010
13	Department of Homeland Security Sent Final Production of	
14	Responsive Documents	May 5, 2010
15	Department of Justice, Federal Bureau of Investigation Sent Interim	
16	Production of Responsive Documents	May 5, 2010
17	Office of the Director of National Intelligence Sent Final Production	
18	of Responsive Documents	May 14, 2010
19	Department of Justice, Drug Enforcement Administration and Federal	
20	Bureau of Investigation Sent Supplemental Productions, Including	
21	Responsive Documents	May 14, 2010
22	Department of Justice, Criminal Division Sent Supplemental Response	May 21, 2010

2. The parties propose the following schedule to govern the remaining document productions responsive to Plaintiff's FOIA request as originally filed with the listed Defendant:

Central Intelligence Agency's Final Production of Responsive Documents	May 28, 2010
Federal Bureau of Investigation's Final Production of Responsive Documents	July 15, 2010
Department of Defense's Final Production of Responsive Documents	August 15, 2010

3. Plaintiff and Defendants, by and through undersigned counsel, hereby stipulate pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure that this action is dismissed without prejudice with regard to Department of Justice subcomponents the Executive Office for United States Attorneys and the Bureau of Alcohol, Tobacco, Firearms and Explosives, with each party to bear its own costs and fees.

DATED: May 27, 2010

Respectfully submitted,

/s/ Marcia Hofmann  
ELECTRONIC FRONTIER FOUNDATION  
Marcia Hofmann, Esq.  
454 Shotwell Street  
San Francisco, CA 94110  
Telephone: (415) 436-9333  
Facsimile: (415) 436-9993

TONY WEST  
Assistant Attorney General  
JOSEPH P. RUSSONIELLO  
United States Attorney  
JOHN TYLER  
Assistant Branch Director

SAMUELSON LAW, TECHNOLOGY  
AND PUBLIC POLICY CLINIC  
Jason M. Schultz  
U.C. Berkeley School of Law  
396 Simon Hall  
Berkeley, CA 94720-7200  
Telephone: (510) 642-0499  
Facsimile: (510) 643-4625

/s/ Kimberly L. Herb  
Kimberly L. Herb  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave. NW  
Washington, DC 20530  
Telephone: (202) 305-8356  
Facsimile: (202) 616-8470  
E-mail: Kimberly.L.Herb@usdoj.gov


Attorneys for Plaintiff

Attorneys for Defendants

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/17/10

  
SUSAN ILLSTON  
United States District Judge

**GENERAL ORDER NO. 45(X) CERTIFICATION**

I attest that I have obtained Marcia Hoffmann's concurrence in the filing of this document.

/s/ Kimberly L. Herb

Kimberly L. Herb

:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28